

EXHIBIT 11
WSOU's Aug. 19, 2021
Revised Preliminary
Claim Constructions

PLAINTIFF WSOU'S PROPOSED PRELIMINARY CLAIM CONSTRUCTIONS**U.S. Patent No. 7,577,103**

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence ¹ | NEC's Proposed Definition |
|-----|-------|--------|---|---------------------------|
| | None | N/A | N/A | |

U.S. Patent No. 7,885,398

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------------|---|--|
| 1. | route | 1, 10 and 13 | <p>No construction necessary – plain and ordinary meaning, which is “path between a source and a destination.”</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • IBM Dictionary of Computing at WSOU-NEC-0001872 • The IEEE Standard Dictionary of Electrical and Electronic Terms at WSOU-NEC-0001876 • The Merriam-Webster Dictionary at WSOU-NEC-0001880 • Dictionary of Computing (6th Edition) at WSOU-NEC-0001890 | <p>“a physical path between a source and a destination, specifying all intermediate nodes (hops) of the respective communication network”</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

¹ WSOU reserves the right to rely upon any extrinsic evidence identified by NEC, including additional portions of documents cited by NEC for, among other things, completeness, explanation, and/or rebuttal. These disclosures provided herein are based on WSOU's investigation to date, and WSOU reserves the right to rely on additional extrinsic evidence as the case(s) proceed. WSOU further reserves the right to rely upon any deposition testimony given or any declarations served or filed with any claim construction briefs.

U.S. Patent No. 7,885,398

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|----------------|--------------|---|---|
| | | | <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 2. | load balancing | 1, 10 and 13 | <p>No construction necessary – plain and ordinary meaning, which is “process of managing the routing of network traffic over two or more routes”</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • IBM Dictionary of Computing at WSOU-NEC-0001871 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001885 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of</p> | <p>“splitting communication into two (or more) routes and balancing the traffic on each route”</p> <p><u>Extrinsic Evidence:</u></p> <p><i>Load Balancing</i>, Newton's Telecom Dictionary (Harry Newton ed., 21st ed. 2005); <i>see also Load Balance</i>, <i>id.</i></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 7,885,398

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|----------------------------|--------------|--|---|
| | | | <p>the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 3. | service category criterion | 1, 10 and 13 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> | <p>Indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 7,885,398

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------|---|----------------------------------|
| | | | WSOU further reserves the right to rely on positions and evidence cited by NEC. | |

U.S. Patent No. 8,041,017

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-----------------|--------|---|---|
| 4. | detecting means | 8 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>Further, to the extent the Court treats the term as means-plus-function:</p> <p><u>Function:</u> detecting that the received first call is an emergency call</p> <p><u>Structure/material/acts:</u> For example, step 102 of Fig. 2, and the corresponding portions of the specification at 9:15-17, node 30 of Fig. 1 and the corresponding portions of the specification at 4:62-5:21 and 5:41-48, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “detecting that the received first call is an emergency call”</p> <p>Structure: the network access node serving the terminal used by the calling party, as disclosed at 5:37-48, and equivalents thereof.</p> |

U.S. Patent No. 8,041,017

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-----------------|---------|--|--|
| | | | <ul style="list-style-type: none"> • The IEEE Standard Dictionary of Electrical and Electronic Terms (6th Edition) at WSOU-NEC-0001919-20 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001930 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 5. | reserving means | 8 and 9 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>Further, to the extent the Court treats the term as means-plus-function:</p> <p><u>Function:</u> reserving conference facilities in response to the detected emergency call</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “reserving conference facilities in response to the detected emergency call”</p> |

U.S. Patent No. 8,041,017

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------|---|---|
| | | | <p><u>Structure/material/acts:</u> For example, step 112 of Fig. 2, and the corresponding portions of the specification at 9:38-43, node 30 of Fig. 1 and the corresponding portions of the specification at 6:20-29, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • The IEEE Standard Dictionary of Electrical and Electronic Terms (6th Edition) at WSOU-NEC-0001921 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001931 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | Structure: the network access node serving the terminal used by the calling party, as disclosed at 6:20-29, 9:38-43, and equivalents thereof. |

U.S. Patent No. 8,041,017

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|------------------|---------|--|--|
| 6. | connecting means | 8 and 9 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>Further, to the extent the Court treats the term as means-plus-function:</p> <p><u>Function</u>: connecting the emergency call using the reserved conference facilities to a designated second party that handles emergency calls</p> <p><u>Structure/material/acts</u>: For example, step 114 of Fig. 2, and the corresponding portions of the specification at 9:43-46, node 30 of Fig. 1 and the corresponding portions of the specification at 6:20-29, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • IBM Dictionary of Computing at WSOU-NEC-0001911-12 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “connecting the emergency call using the reserved conference facilities to a designated second party that handles emergency calls”</p> <p>Structure: Reserved conference facilities/bridge and the network access node serving the terminal used by the calling party, as disclosed at 5:49-57, 6:20-29, 9:43-46, and equivalents thereof.</p> |

U.S. Patent No. 8,041,017

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---------------|---------|--|---|
| | | | <p>the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 7. | calling means | 8 and 9 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>Further, to the extent the Court treats the term as means-plus-function:</p> <p><u>Function:</u> automatically originating at least one second call associated with the reserved conference facilities from the node over the telecommunications network to at least one predetermined third party that is different than the calling party and the second party</p> <p><u>Structure/material/acts:</u> For example, steps 116, 118, 120 and 122 of Fig. 2, and the corresponding portions of the specification at 9:47-66, node 30 of Fig. 1 and the corresponding portions of the specification at 6:20-7:16, and equivalents thereof.</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “automatically originating at least one second call associated with the reserved conference facilities from the node over the telecommunications network to at least one predetermined third party that is different than the calling party and the second party, each third party being previously designated by the calling party along with suitable contact information for the corresponding third party in conjunction with</p> |

U.S. Patent No. 8,041,017

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|------------------------|--------|--|---|
| | | | <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>a service feature provided to the calling party via the telecommunications network”</p> <p>Structure: the network access node serving the terminal used by the calling party and stored contact information for the at least one predetermined third party, as disclosed at 6:36-41, 9:47-59, and equivalents thereof.</p> |
| 8. | answer detecting means | 10 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>Further, to the extent the Court treats the term as means-plus-function:</p> <p><u>Function:</u> determining whether or not the third party answers the second call.</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “determining whether or not the third party answers the second call”</p> <p>Structure: the network access node serving the terminal used by the calling party, as disclosed at 9:60-61, and equivalents thereof.</p> |

U.S. Patent No. 8,041,017

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------|---|---------------------------|
| | | | <p>Structure/material/acts: For example, step 120 of Fig. 2, and the corresponding portions of the specification at 9:60-61, node 30 of Fig. 1 and the corresponding portions of the specification at 7:8-8:55, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • The IEEE Standard Dictionary of Electrical and Electronic Terms (6th Edition) at WSOU-NEC-0001919-20 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001930 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-----------------------------------|-------------|---|--|
| 9. | remote characteristic information | 1, 8 and 22 | <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | Indefinite. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake. |
| 10. | local characteristic information | 1, 8 and 22 | <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> | Indefinite. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|-----------------------------|--|--|
| | | | <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 11. | at least one of supported communication transport configuration information for the [at least one other] apparatus, power status information for the [at least one other] apparatus, processing load information for the [at least one other] apparatus, communication | 1, 8, 22, 23, 24, 25 and 26 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning, <u>as a disjunctive list</u>.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 | <p>Plain and ordinary meaning, <i>i.e.</i>, as a conjunctive list in which at least one of each information category must be present. <i>See SuperGuide Corp. v. DirecTV Enters., Inc.</i>, 358 F.3d 870, 886 (Fed. Cir. 2004).</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|-----------------------------|---|---|
| | load information for the [at least one other] apparatus, proximate interference information for the [at least one other] apparatus and user preferences configured in the [at least one other] apparatus | | <ul style="list-style-type: none"> • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 12. | power status information | 1, 8, 22, 23, 24, 25 and 26 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> | <p>Indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|-----------------------------|--|--|
| | | | <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 13. | communication load information for the [at least one other] apparatus | 1, 8, 22, 23, 24, 25 and 26 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning, <u>which is “information regarding communication load for the [at least one other] apparatus”.</u></p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the</p> | <p>“communication load of an internal controller in the [at least one other] apparatus”</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|-----------------------------|--|---|
| | | | <p>claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 14. | proximate interference information for the [at least one other] apparatus | 1, 8, 22, 23, 24, 25 and 26 | <p>This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why</p> | <p>Indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|--|---|
| | | | <p>WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 15. | computer program code configured to initiate an inquiry from an apparatus to at least one other apparatus | 8 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “initiate an inquiry from an apparatus to at least one other apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|--|--|
| 16. | computer program code configured to receive remote characteristic information into the apparatus | 8 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “receive remote characteristic information into the apparatus”</p> <p>Structure: Indefintie.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |
| 17. | computer program code configured to determine local characteristic information in the apparatus | 8 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “determine local characteristic information in the apparatus”</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|--|---|
| | | | <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |
| 18. | computer program code configured to formulate a configuration in the apparatus | 8 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “formulate a configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|--|---|
| | | | <ul style="list-style-type: none"> • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | Expert testimony from Dr. Matthew Shoemake. |
| 19. | computer program code configured to send the configuration from | 8 | <u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. | Governed by 35 U.S.C. § 112, ¶ 6. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|---|---|
| | the apparatus to the at least one other apparatus | | <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why</p> | <p>Function: “send the configuration from the apparatus to the at least one other apparatus”</p> <p>Structure: Multiradio controller, master control system, and radio modems/software-defined radio modules.</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|---|--|
| | | | <p>WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 20. | computer program code configured to implement the configuration in the apparatus | 8 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “implement the configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|--|---|
| | | | <p>of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 21. | computer program code configured to establish communication between the apparatus and at least one other apparatus in accordance with the configuration | 8 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “establish communication between the apparatus and at least one other apparatus in accordance with the configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|---|---|
| | | | <ul style="list-style-type: none"> • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 22. | means for initiating an inquiry from the apparatus to at least one other apparatus | 22 | <u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. <u>Function:</u> initiating an inquiry from an apparatus to at least one other apparatus <u>Structure/material/acts:</u> For example, apparatus A (1300) and process 1 of Fig. 13, and the corresponding portions of the | Governed by 35 U.S.C. § 112, ¶ 6. Function: “initiating an inquiry from the apparatus to at least one other apparatus” Structure: Indefinite. Algorithm: None, and thus indefinite . |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|---|---|
| | | | <p>specification at 19:62-20:4, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake. |
| 23. | means for receiving remote characteristic information into the apparatus | 22 | <u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. <u>Function:</u> receiving remote characteristic information into the apparatus <u>Structure/material/acts:</u> | Governed by 35 U.S.C. § 112, ¶ 6. Function: “receiving remote characteristic information into the apparatus” Structure: Indefinite. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|--|---|
| | | | <p>For example, apparatus A (1300) and process 2 of Fig. 13, and the corresponding portions of the specification at 20:4-24, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |
| 24. | means for determining local characteristic information in the apparatus | 22 | <p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p><u>Function:</u> determining local characteristic information in the apparatus</p> <p><u>Structure/material/acts:</u></p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “determining local characteristic information in the apparatus”</p> <p>Structure: Indefinite.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|---|--|
| | | | <p>For example, apparatus A (1300) and process 3 of Fig. 13, and the corresponding portions of the specification at 20:25-35, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |
| 25. | means for formulating a configuration in the apparatus | 22 | <p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p><u>Function:</u> formulating a configuration in the apparatus</p> <p><u>Structure/material/acts:</u></p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "formulating a configuration in the apparatus"</p> <p>Structure: Indefinite.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------|---|---|
| | | | <p>For example, apparatus A and process 4 of Fig. 13, apparatus 1102 of Fig. 12, apparatus 1104 of Fig. 11, and the corresponding portions of the specification at 17:34-44, 18:4-6, and 20:35-44, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on</p> | <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|--|--|
| | | | <p>Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 26. | means for sending the configuration from the apparatus to the at least one other apparatus | 22 | <p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p><u>Function:</u> sending the configuration from the apparatus to the at least one other apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 5 of Fig. 13, and the corresponding portions of the specification at 20:45-48, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “sending the configuration from the apparatus to the at least one other apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|---|---|
| | | | <ul style="list-style-type: none"> • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 27. | means for implementing the configuration in the apparatus | 22 | <u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. <u>Function:</u> implementing the configuration in the apparatus <u>Structure/material/acts:</u> For example, apparatus A and process 6 of Fig. 13, apparatus 1102 of Fig. 12, apparatus 1104 of Fig. 11, and the corresponding portions of the | Governed by 35 U.S.C. § 112, ¶ 6. Function: "implementing the configuration in the apparatus" Structure: Indefinite. Algorithm: None, and thus indefinite. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------|---|---|
| | | | <p>specification at 17:34-44, 18:4-6, and 20:49-53, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why</p> | <u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|--|--|
| | | | <p>WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 28. | means for establishing communication between the apparatus and at least one other apparatus in accordance with the configuration | 22 | <p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p><u>Function:</u> establishing communication between the apparatus and at least one other apparatus in accordance with the configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 8 of Fig. 13, apparatus B of Fig. 13, and the corresponding portions of the specification at 20:53-56, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “establishing communication between the apparatus and at least one other apparatus in accordance with the configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|---|---|
| | | | <ul style="list-style-type: none"> • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 29. | computer program code configured to receive wireless communication in an apparatus | 24 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “receive wireless communication in an apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|--|---|
| | | | <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake. |
| 30. | computer program code configured to, if the wireless communication includes an inquiry requesting characteristic information, determine characteristic information | 24 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning</p> | Governed by 35 U.S.C. § 112, ¶ 6. Function: “if the wireless communication includes an inquiry requesting characteristic information, determine characteristic information” Structure: Indefinite. Algorithm: None, and thus indefinite. <u>Extrinsic Evidence:</u> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|---|--|
| | | | <p>of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | Expert testimony from Dr. Matthew Shoemake. |
| 31. | computer program code configured to respond to the inquiry, the response comprising the characteristic information | 24 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “respond to the inquiry, the response comprising the characteristic information”</p> <p>Structure: Multiradio controller, master control system, and radio modems/software-defined radio modules.</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|---|---|
| | | | WSOU further reserves the right to rely on positions and evidence cited by NEC. | Expert testimony from Dr. Matthew Shoemake. |
| 32. | computer program code configured to receive further wireless communication in the apparatus, the further wireless communication including a configuration | 24 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “receive further wireless communication in the apparatus, the further wireless communication including a configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|--|--|
| | | | <p>respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 33. | computer program code configured to implement the configuration in the apparatus | 24 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “implement the configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|---|---|
| | | | <ul style="list-style-type: none"> • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 34. | computer program code configured to establish communication in accordance with the configuration | 24 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “establish communication in accordance with the configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------|---|---|
| | | | <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-------------|---|--------|---|--|
| <u>34.1</u> | "the processor being configured to: receive wireless communication in an apparatus" | 25 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</u></p> <p><u>No construction necessary – plain and ordinary meaning.</u></p> <p><u>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</u></p> <p><u>WSOU further reserves the right to rely on positions and evidence cited by NEC.</u></p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "receive wireless communication in an apparatus"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |
| <u>34.2</u> | "the processor being configured to: [] if the wireless communication includes an inquiry requesting characteristic information, determine | 25 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</u></p> <p><u>No construction necessary – plain and ordinary meaning.</u></p> <p><u>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the</u></p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "if the wireless communication includes an inquiry requesting characteristic information, determine characteristic information"</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-------------|--|--------|---|--|
| | “characteristic information” | | <p><u>claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC’s claim construction positions and alleged support, including why WSOU’s position should be adopted over that of NEC.</u></p> <p><u>WSOU further reserves the right to rely on positions and evidence cited by NEC.</u></p> | <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |
| <u>34.3</u> | “the processor being configured to: [] respond to the inquiry, the response comprising the characteristic information” | 25 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</u></p> <p><u>No construction necessary – plain and ordinary meaning.</u></p> <p><u>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC’s claim construction positions and alleged support, including why WSOU’s position should be adopted over that of NEC.</u></p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “respond to the inquiry, the response comprising the characteristic information”</p> <p>Structure: Multiradio controller, master control system, and radio modems/software-defined radio modules.</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-------------|---|--------|---|---|
| | | | <u>WSOU further reserves the right to rely on positions and evidence cited by NEC.</u> | Expert testimony from Dr. Matthew Shoemake. |
| <u>34.4</u> | "the processor being configured to: [] receive further wireless communication in the apparatus, the further wireless communication including a configuration" | 25 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</u></p> <p><u>No construction necessary – plain and ordinary meaning.</u></p> <p><u>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</u></p> <ul style="list-style-type: none"> • <u>Dictionary of Computer and Internet Words at WSOU-NEC-0001867</u> • <u>IBM Dictionary of Computing at WSOU-NEC-0001870</u> • <u>Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884</u> • <u>Dictionary of Computing (5th Edition) at WSOU-NEC-0001889</u> • <u>Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894</u> • <u>Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899</u> <p><u>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the</u></p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "receive further wireless communication in the apparatus, the further wireless communication including a configuration"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-------------|--|--------|--|--|
| | | | <p><u>claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</u></p> <p><u>WSOU further reserves the right to rely on positions and evidence cited by NEC.</u></p> | |
| <u>34.5</u> | "the processor being configured to: [] implement the configuration in the apparatus" | 25 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</u></p> <p><u>No construction necessary – plain and ordinary meaning.</u></p> <p><u>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</u></p> <ul style="list-style-type: none"> • <u>Dictionary of Computer and Internet Words at WSOU-NEC-0001867</u> • <u>IBM Dictionary of Computing at WSOU-NEC-0001870</u> • <u>Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884</u> • <u>Dictionary of Computing (5th Edition) at WSOU-NEC-0001889</u> • <u>Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894</u> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "implement the configuration in the apparatus"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-------------|--|--------|---|--|
| | | | <ul style="list-style-type: none"> • <u>Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899</u> <p><u>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</u></p> <p><u>WSOU further reserves the right to rely on positions and evidence cited by NEC.</u></p> | |
| <u>34.6</u> | "the processor being configured to: [] establish communication in accordance with the configuration" | 25 | <p><u>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</u></p> <p><u>No construction necessary – plain and ordinary meaning.</u></p> <p><u>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</u></p> <ul style="list-style-type: none"> • <u>Dictionary of Computer and Internet Words at WSOU-NEC-0001867</u> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "establish communication in accordance with the configuration"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p>Extrinsic Evidence:</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|---|---|
| | | | <ul style="list-style-type: none"> • <u>IBM Dictionary of Computing at WSOU-NEC-0001870</u> • <u>Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884</u> • <u>Dictionary of Computing (5th Edition) at WSOU-NEC-0001889</u> • <u>Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894</u> • <u>Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899</u> <p><u>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</u></p> <p><u>WSOU further reserves the right to rely on positions and evidence cited by NEC.</u></p> | Expert testimony from Dr. Matthew Shoemake. |
| 35. | means for receiving wireless communication in the apparatus | 26 | <u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. <u>Function:</u> | Governed by 35 U.S.C. § 112, ¶ 6. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|--|--------|--|--|
| | | | <p>receiving wireless communication in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) of Fig. 13 and process 1 of Fig. 13, and the corresponding portions of the specification at 19:67-20:1 and 20:4-8, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>Function: "receiving wireless communication in the apparatus"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |
| 36. | means for, if the wireless communication includes an inquiry | 26 | <p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p><u>Function:</u></p> | Governed by 35 U.S.C. § 112, ¶ 6. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|--|---|
| | requesting characteristic information, determining characteristic information | | <p>if the wireless communication includes an inquiry requesting characteristic information, determining characteristic information</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and processes 1 and 2 of Fig. 13, and the corresponding portions of the specification at 19:62-20:4 and 20:8-24, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>Function: "if the wireless communication includes an inquiry requesting characteristic information, determining characteristic information"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake.</p> |
| 37. | means for responding to the | 26 | <u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. | Governed by 35 U.S.C. § 112, ¶ 6. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|---|---|
| | inquiry, the response comprising the characteristic information | | <p><u>Function:</u> responding to the inquiry, the response comprising the characteristic information</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 2 of Fig. 13, and the corresponding portions of the specification at 20:4-8, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | <p>Function: "responding to the inquiry, the response comprising the characteristic information"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake.</p> |
| 38. | means for receiving further | 26 | <u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite. | Governed by 35 U.S.C. § 112, ¶ 6. |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|--|---|
| | wireless communication in the apparatus, the further wireless communication including a configuration | | <p><u>Function:</u> receiving further wireless communication in the apparatus, the further wireless communication including a configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 5 of Fig. 13, and the corresponding portions of the specification at 20:45-48, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with</p> | <p>Function: “receiving further wireless communication in the apparatus, the further wireless communication including a configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|--|---|
| | | | <p>respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 39. | means for implementing the configuration in the apparatus | 26 | <p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p><u>Function:</u> implementing the configuration in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 7 of Fig. 13, and the corresponding portions of the specification at 20:49-53, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “implementing the configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|---|--------|---|---|
| | | | <ul style="list-style-type: none"> • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |
| 40. | means for establishing communication in accordance with the configuration | 26 | <p><u>Governed by 35 U.S.C. § 112, ¶ 6.</u> This term is not indefinite.</p> <p><u>Function:</u> establishing communication in accordance with the configuration</p> | <p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "establishing communication in accordance with the configuration"</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------|--|---|
| | | | <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 8 of Fig. 13, and the corresponding portions of the specification at 20:53-56, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why</p> | <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p> |

U.S. Patent No. 8,103,213

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-------|--------|---|---------------------------|
| | | | <p>WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | |

U.S. Patent No. 9,065,918

| No. | Terms | Claims | WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence | NEC's Proposed Definition |
|-----|-----------------------|--------|--|---------------------------|
| 41. | during the voice call | 18 | <p>No construction necessary – plain and ordinary meaning, <u>which is “during the voice call.”</u></p> <p>WSOU identifies the following exemplary extrinsic evidence in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC’s claim construction positions and alleged support, including why WSOU’s position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p> | “Over a voice connection” |